

other countries, and contact with numerous other families who would either love to adopt a child, but can't afford it, or who have adopted a child under the present system and had great success.

Like many Americans, I am firmly committed to finding permanent, safe, and loving homes for children who have been orphaned or are in foster care. I am hopeful this legislation will help secure that dream without adding a significant overlay of federal bureaucracy and red tape.

At this time, I would like to recognize and thank one of my staff members, Amanda Adkins, for help on this legislation. Amanda was truly diligent in her efforts to make this a better bill and to work for the needs of rural Kansans. I thank her for her dedication.

Many families spend their entire life savings to realize their dream of having a child. I look forward to continuing to work with the sponsors of this bill as we monitor the implementation of this important treaty.

Mr. CAMPBELL. I ask unanimous consent the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4023) was agreed to.

The bill (H.R. 2909), as amended, was read the third time and passed.

#### COAST GUARD AUTHORIZATION ACT OF 2000

Mr. CAMPBELL. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 567, S. 1089.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1089) to authorize appropriations for fiscal year 2000 and 2001 for the United States Coast Guard, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert the printed in italic:

S. 1089

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Coast Guard Authorization Act of 2000".*

#### TITLE I—AUTHORIZATION

##### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION FOR FISCAL YEAR 2000.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2000, as follows:

(1) For the operation and maintenance of the Coast Guard, \$2,781,000,000, of which \$300,000,000 shall be available for defense-related activities and of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$389,326,000, to remain available until expended, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$19,000,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, such sums as may be necessary, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$15,000,000, to remain available until expended.

(b) AUTHORIZATION FOR FISCAL YEAR 2001.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2001, as follows:

(1) For the operation and maintenance of the Coast Guard, \$3,199,000,000, of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$520,000,000, to remain available until expended, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, and of which \$110,000,000 shall be available for the construction and acquisition of a replacement vessel for the Coast Guard Cutter MACKINAW.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$21,320,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, such sums as may be necessary, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$16,700,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$15,000,000, to remain available until expended.

(c) AUTHORIZATION FOR FISCAL YEAR 2002.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2002 as such sums as may be necessary, of which \$8,000,000 shall be available for construction or acquisition of a replacement vessel for the Coast Guard Cutter MACKINAW.

#### SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2000.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 40,000 as of September 30, 2000.

(b) TRAINING STUDENT LOADS FOR FISCAL YEAR 2000.—For each of fiscal years 2000 and 2001, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 100 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

(c) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2001.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 44,000 as of September 30, 2001.

(d) TRAINING STUDENT LOADS FOR FISCAL YEAR 2001.—For fiscal year 2001, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

(e) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2002.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2002.

(f) TRAINING STUDENT LOADS FOR FISCAL YEAR 2002.—For fiscal year 2002, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

#### SEC. 103. LORAN-C.

(a) FISCAL YEAR 2001.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, \$20,000,000 for fiscal year 2001. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

(b) FISCAL YEAR 2002.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, \$40,000,000 for fiscal year 2002. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department

funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

#### SEC. 104. PATROL CRAFT.

(a) TRANSFER OF CRAFT FROM DOD.—Notwithstanding any other provision of law, the Secretary of Transportation may accept, by direct transfer without cost, for use by the Coast Guard primarily for expanded drug interdiction activities required to meet national supply reduction performance goals, up to 7 PC-170 patrol craft from the Department of Defense if it offers to transfer such craft.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Coast Guard, in addition to amounts otherwise authorized by this Act, up to \$100,000,000, to remain available until expended, for the conversion of, operation and maintenance of, personnel to operate and support, and shoreside infrastructure requirements for, up to 7 patrol craft.

### TITLE II—PERSONNEL MANAGEMENT

#### SEC. 201. COAST GUARD BAND DIRECTOR RANK.

Section 336(d) of title 14, United States Code, is amended by striking “commander” and inserting “captain”.

#### SEC. 202. COAST GUARD MEMBERSHIP ON THE USO BOARD OF GOVERNORS.

Section 220104(a)(2) of title 36, United States Code, is amended—

(1) by striking “and” at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

“(C) the Secretary of Transportation, or the Secretary’s designee, when the Coast Guard is not operating under the Department of the Navy; and”.

#### SEC. 203. COMPENSATORY ABSENCE FOR ISOLATED DUTY.

(a) IN GENERAL.—Section 511 of title 14, United States Code, is amended to read as follows:

##### “§ 511. Compensatory absence from duty for military personnel at isolated duty stations

“The Secretary may prescribe regulations to grant compensatory absence from duty to military personnel of the Coast Guard serving at isolated duty stations of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 13 of title 14, United States Code, is amended by striking the item relating to section 511 and inserting the following:

“511. Compensatory absence from duty for military personnel at isolated duty stations”.

#### SEC. 204. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.

Title 14, United States Code, is amended—

(1) in section 259, by adding at the end a new subsection (c) to read as follows:

“(c) After selecting the officers to be recommended for promotion, a selection board may recommend officers of particular merit, from among those officers chosen for promotion, to be placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed the percentages set forth in subsection (b) unless such a percentage is a number less than one, in which case the board may recommend one officer for such placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a

majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.”;

(2) in section 260(a), by inserting “and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 271(a) of this title” after “promotion”; and

(3) in section 271(a), by inserting at the end thereof the following: “The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.”.

#### SEC. 205. COAST GUARD ACADEMY BOARD OF TRUSTEES.

(a) IN GENERAL.—Section 193 of title 14, United States Code, is amended to read as follows:

##### “§ 193. Board of Trustees.

“(a) ESTABLISHMENT.—The Commandant of the Coast Guard may establish a Coast Guard Academy Board of Trustees to provide advice to the Commandant and the Superintendent on matters relating to the operation of the Academy and its programs.

“(b) MEMBERSHIP.—The Commandant shall appoint the members of the Board of Trustees, which may include persons of distinction in education and other fields related to the missions and operation of the Academy. The Commandant shall appoint a chairperson from among the members of the Board of Trustees.

“(c) EXPENSES.—Members of the Board of Trustees who are not Federal employees shall be allowed travel expenses while away from their homes or regular places of business in the performance of service for the Board of Trustees. Travel expenses include per diem in lieu of subsistence in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

“(d) FACA NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App. ) shall not apply to the Board of Trustees established pursuant to this section.”.

##### (b) CONFORMING AMENDMENTS.—

(1) Section 194(a) of title 14, United States Code, is amended by striking “Advisory Committee” and inserting “Board of Trustees”.

(2) The chapter analysis for chapter 9 of title 14, United States Code, is amended by striking the item relating to section 193, and inserting the following:

“193. Board of Trustees”.

#### SEC. 206. SPECIAL PAY FOR PHYSICIAN ASSISTANTS.

Section 302c(d)(1) of title 37, United States Code, is amended by inserting “an officer in the Coast Guard or Coast Guard Reserve designated as a physician assistant,” after “nurse,”.

#### SEC. 207. SUSPENSION OF RETIRED PAY OF COAST GUARD MEMBERS WHO ARE ABSENT FROM THE UNITED STATES TO AVOID PROSECUTION.

Procedures promulgated by the Secretary of Defense under section 633(a) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) shall apply to the Coast Guard. The Commandant of the Coast Guard shall be considered a Secretary of a military department for purposes of suspending pay under section 633 of that Act.

### TITLE III—MARINE SAFETY

#### SEC. 301. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIO-TELEPHONE ACT.

Section 4(b) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(b)), is amended by striking “United States inside the lines estab-

lished pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended.” and inserting “United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.”.

#### SEC. 302. REPORT ON ICEBREAKING SERVICES.

(a) REPORT.—Not later than 9 months after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House, a report on the use of WYTL-class harbor tugs. The report shall include an analysis of the use of such vessels to perform icebreaking services; the degree to which, if any, the decommissioning of each such vessel would result in a degradation of current icebreaking services; and in the event that the decommissioning of any such vessel would result in a significant degradation of icebreaking services, recommendations to remediate such degradation.

(b) 9-MONTH WAITING PERIOD.—The Commandant of the Coast Guard shall not plan, implement or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs until 9 months after the date of the submission of the report required by subsection (a) of this section.

#### SEC. 303. OIL SPILL LIABILITY TRUST FUND ANNUAL REPORT.

(a) IN GENERAL.—The report regarding the Oil Spill Liability Trust Fund required by the Conference Report (House Report 101-892) accompanying the Department of Transportation and Related Agencies Appropriations Act, 1991, as that requirement was amended by section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note), shall no longer be submitted to Congress.

(b) REPEAL.—Section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note) is amended by—

(1) striking subsection (a); and

(2) striking “(b) REPORT ON JOINT FEDERAL AND STATE MOTOR FUEL TAX COMPLIANCE PROJECT.—”.

#### SEC. 304. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND BORROWING AUTHORITY.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended after the first sentence by inserting “To the extent that such amount is not adequate for removal of a discharge or the mitigation or prevention of a substantial threat of a discharge, the Coast Guard may borrow from the Fund such sums as may be necessary, up to a maximum of \$100,000,000, and within 30 days shall notify Congress of the amount borrowed and the facts and circumstances necessitating the loan. Amounts borrowed shall be repaid to the Fund when, and to the extent that removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.”.

#### SEC. 305. MERCHANT MARINER DOCUMENT REQUIREMENTS.

Section 8701(a) of title 46, United States Code, is amended—

(1) by striking “and” at the end of paragraph (8);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

“(9) a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed as gaming personnel, entertainment personnel, wait staff, or other service personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo, or passengers; and”.

# **TITLE IV—RENEWAL OF ADVISORY GROUPS**

## **SEC. 401. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.**

(a) COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.—Section 4508 of title 46, United States Code, is amended—

(1) by inserting “**Safety**” in the heading after “**Vessel**”;

(2) by inserting “**Safety**” in subsection (a) after “**Vessel**”;

(3) by striking “**Secretary**” in subsection (a)(1) and inserting “**Secretary, through the Commandant of the Coast Guard,**”;

(4) by striking “**Secretary**” in subsection (a)(4) and inserting “**Commandant**”;

(5) by striking the last sentence in subsection (b)(5);

(6) by striking “**Committee**” in subsection (c)(1) and inserting “**Committee, through the Commandant,**”;

(7) by striking “**shall**” in subsection (c)(2) and inserting “**shall, through the Commandant,**”;

(8) by striking “(5 U.S.C. App. 1 et seq.)” in subsection (e)(1)(I) and inserting “(5 U.S.C. App.)”;

(9) by striking “of September 30, 2000” and inserting “on September 30, 2005”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 45 of title 46, United States Code, is amended by striking the item relating to section 4508 and inserting the following:

“4508. Commercial Fishing Industry Vessel Safety Advisory Committee”.

## **SEC. 402. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.**

Section 18 of the Coast Guard Authorization Act of 1991 is amended—

(1) by striking “operating (hereinafter in this part referred to as the ‘Secretary’)” in the second sentence of subsection (a)(1) and inserting “operating, through the Commandant of the Coast Guard,”;

(2) by striking “**Committee**” in the third sentence of subsection (a)(1) and inserting “**Committee, through the Commandant,**”;

(3) by striking “**Secretary,**” in the second sentence of subsection (a)(2) and inserting “**Commandant,**”;

(4) by striking “September 30, 2000.” in subsection (h) and inserting “September 30, 2005.”.

## **SEC. 403. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.**

Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102-241) is amended—

(1) by striking “operating (hereinafter in this part referred to as the ‘Secretary’)” in the second sentence of subsection (a)(1) and inserting “operating, through the Commandant of the Coast Guard,”;

(2) by striking “**Committee**” in the third sentence of subsection (a)(1) and inserting “**Committee, through the Commandant,**”;

(3) by striking “September 30, 2000” in subsection (g) and inserting “September 30, 2005”.

## **SEC. 404. GREAT LAKES PILOTAGE ADVISORY COMMITTEE.**

Section 9307 of title 46, United States Code, is amended—

(1) by striking “**Secretary**” in subsection (a)(1) and inserting “**Secretary, through the Commandant of the Coast Guard,**”;

(2) by striking “**Secretary,**” in subsection (a)(4)(A) and inserting “**Commandant,**”;

(3) by striking the last sentence of subsection (c)(2);

(4) by striking “**Committee**” in subsection (d)(1) and inserting “**Committee, through the Commandant,**”;

(5) by striking “**Secretary**” in subsection (d)(2) and inserting “**Secretary, through the Commandant,**”;

(6) by striking “September 30, 2003.” in subsection (f)(1) and inserting “September 30, 2005.”.

## **SEC. 405. NAVIGATION SAFETY ADVISORY COUNCIL.**

Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended—

(1) by striking “**Secretary**” in the first sentence of subsection (b) and inserting “**Secretary, through the Commandant of the Coast Guard,**”;

(2) by striking “**Secretary**” in the third sentence of subsection (b) and inserting “**Commandant**”;

(3) by striking “September 30, 2000” in subsection (d) and inserting “September 30, 2005”.

## **SEC. 406. NATIONAL BOATING SAFETY ADVISORY COUNCIL.**

Section 13110 of title 46, United States Code, is amended—

(1) by striking “**consult**” in subsection (c) and inserting “**consult, through the Commandant of the Coast Guard,**”;

(2) by striking “September 30, 2000” in subsection (e) and inserting “September 30, 2005”.

## **SEC. 407. TOWING SAFETY ADVISORY COMMITTEE.**

The Act entitled An Act to Establish a Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a) is amended—

(1) by striking “**Secretary**” in the second sentence of subsection (b) and inserting “**Secretary, through the Commandant of the Coast Guard,**”;

(2) by striking “**Secretary**” in the first sentence of subsection (c) and inserting “**Secretary, through the Commandant,**”;

(3) by striking “**Committee**” in the third sentence of subsection (c) and inserting “**Committee, through the Commandant,**”;

(4) by striking “**Secretary,**” in the fourth sentence of subsection (c) and inserting “**Commandant,**”;

(5) by striking “September 30, 2000.” in subsection (e) and inserting “September 30, 2005.”.

# **TITLE V—MISCELLANEOUS**

## **SEC. 501. COAST GUARD REPORT ON IMPLEMENTATION OF NTSB RECOMMENDATIONS.**

The Commandant of the United States Coast Guard shall submit a written report to the Committee on Commerce, Science, and Transportation within 90 days after the date of enactment of this Act on what actions the Coast Guard has taken to implement the recommendations of the National Transportation Safety Board in its Report No. MAR-99-01. The report—

(1) shall describe in detail, by geographic region—

(A) what steps the Coast Guard is taking to fill gaps in its communications coverage;

(B) what progress the Coast Guard has made in installing direction-finding systems; and

(C) what progress the Coast Guard has made toward completing its national distress and response system modernization project; and

(2) include an assessment of the safety benefits that might reasonably be expected to result from increased or accelerated funding for—

(A) measures described in paragraph (1)(A); and

(B) the national distress and response system modernization project.

## **SEC. 502. CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.**

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of the General Services Administration may convey to the Gulf of Maine Aquarium Development Corporation, its successors and assigns, without payment for consideration, all right, title, and interest of the United States of America in and to approximately 4.13 acres of land, including a pier and bulkhead, known as the Naval Reserve Pier property, together with any improvements thereon in their then current condition, located in Portland, Maine. All conditions placed with the deed of title shall be construed as covenants running with the land. Since the Federal agen-

cy actions necessary to effectuate the transfer of the Naval Reserve Pier property will further the objectives of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), requirements applicable to agency actions under these and other environmental planning laws are unnecessary and shall not be required. The provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) shall not apply to any building or property at the Naval Reserve Pier property.

(2) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this section. The floating docks associated with or attached to the Naval Reserve Pier property shall remain the personal property of the United States.

(b) LEASE TO THE UNITED STATES.—

(1) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into a lease agreement with the United States, the terms of which are mutually satisfactory to the Commandant and the Corporation, in which the Corporation shall lease a portion of the Naval Reserve Pier property to the United States for a term of 30 years without payment of consideration. The lease agreement shall be executed within 12 months after the date of enactment of this Act.

(2) The Administrator, in consultation with the Commandant, may identify and describe the Leased Premises and rights of access including, but not limited to, those listed below, in order to allow the United States Coast Guard to operate and perform missions, from and upon the Leased Premises:

(A) the right of ingress and egress over the Naval Reserve Pier property, including the pier and bulkhead, at any time, without notice, for purposes of access to United States Coast Guard vessels and performance of United States Coast Guard missions and other mission-related activities;

(B) the right to berth United States Coast Guard cutters or other vessels as required, in the moorings along the east side of the Naval Reserve Pier property, and the right to attach floating docks which shall be owned and maintained at the United States' sole cost and expense;

(C) the right to operate, maintain, remove, relocate, or replace an aid to navigation located upon, or to install any aid to navigation upon, the Naval Reserve Pier property as the Coast Guard, in its sole discretion, may determine is needed for navigational purposes;

(D) the right to occupy up to 3,000 gross square feet at the Naval Reserve Pier Property for storage and office space, which will be provided and constructed by the Corporation, at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense;

(E) the right to occupy up to 1200 gross square feet of offsite storage in a location other than the Naval Reserve Pier Property, which will be provided by the Corporation at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense; and

(F) the right for United States Coast Guard personnel to park up to 60 vehicles, at no expense to the government, in the Corporation's parking spaces on the Naval Reserve Pier property or in parking spaces that the Corporation may secure within 1,000 feet of the Naval Reserve Pier property or within 1,000 feet of the Coast Guard Marine Safety Office Portland.

Spaces for no less than thirty vehicles shall be located on the Naval Reserve Pier property.

(3) The lease described in paragraph (1) may be renewed, at the sole option of the United States, for additional lease terms.

(4) The United States may not sublease the Leased Premises to a third party or use the Leased Premises for purposes other than fulfilling the missions of the United States Coast Guard and for other mission related activities.

(5) In the event that the United States Coast Guard ceases to use the Leased Premises, the Administrator, in consultation with the Commandant, may terminate the lease with the Corporation.

**(c) IMPROVEMENT OF LEASED PREMISES.—**

(1) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States, subject to the Commandant's design specifications, project's schedule, and final project approval, to replace the bulkhead and pier which connects to, and provides access from, the bulkhead to the floating docks, at the Corporation's sole cost and expense, on the east side of the Naval Reserve Pier Property within 30 months from the date of conveyance. The agreement to improve the leased premises shall be executed within 12 months after the date of enactment of this Act.

(2) In addition to the improvements described in paragraph (1), the Commandant is authorized to further improve the Leased Premises during the lease term, at the United States' sole cost and expense.

**(d) UTILITY INSTALLATION AND MAINTAINANCE OBLIGATIONS.—**

(1) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to allow the United States to operate and maintain existing utility lines and related equipment, at the United States' sole cost and expense. At such time as the Corporation constructs its proposed public aquarium, the Corporation shall replace existing utility lines and related equipment and provide additional utility lines and equipment capable of supporting a third 110-foot Coast Guard cutter, with comparable, new, code compliant utility lines and equipment at the Corporation's sole cost and expense, maintain such utility lines and related equipment from an agreed upon demarcation point, and make such utility lines and equipment available for use by the United States, provided that the United States pays for its use of utilities at its sole cost and expense. The agreement concerning the operation and maintenance of utility lines and equipment shall be executed within 12 months after the date of enactment of this Act.

(2) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to maintain, at the Corporation's sole cost and expense, the bulkhead and pier on the east side of the Naval Reserve Pier property. The agreement concerning the maintenance of the bulkhead and pier shall be executed within 12 months after the date of enactment of this Act.

(3) The United States shall be required to maintain, at its sole cost and expense, any Coast Guard active aid to navigation located upon the Naval Reserve Pier Property.

(e) **ADDITIONAL RIGHTS.**—The conveyance of the Naval Reserve Pier property shall be made subject to conditions the Administrator or the Commandant consider necessary to ensure that—

(1) the Corporation shall not interfere or allow interference, in any manner, with use of the Leased Premises by the United States; and

(2) the Corporation shall not interfere or allow interference, in any manner, with any aid to navigation nor hinder activities required for the operation and maintenance of any aid to navigation, without the express written permission of the head of the agency responsible for operating and maintaining the aid to navigation.

(f) **REMEDIES AND REVERSIONARY INTEREST.**—The Naval Reserve Pier property, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if, and only if, the Corporation fails to abide by any of the terms of this section or any agreement entered into under subsection (b), (c), or (d) of this section.

(g) **LIABILITY OF THE PARTIES.**—The liability of the United States and the Corporation for any injury, death, or damage to or loss of property occurring on the leased property shall be determined with reference to existing State or Federal law, as appropriate, and any such liability may not be modified or enlarged by this Act or any agreement of the parties.

(h) **EXPIRATION OF AUTHORITY TO CONVEY.**—The authority to convey the Naval Reserve Property under this section shall expire 3 years after the date of enactment of this Act.

(i) **DEFINITIONS.**—In this section:

(1) **AID TO NAVIGATION.**—The term "aid to navigation" means equipment used for navigational purposes, including but not limited to, a light, antenna, sound signal, electronic navigation equipment, cameras, sensors power source, or other related equipment which are operated or maintained by the United States.

(2) **CORPORATION.**—The term "Corporation" means the Gulf of Maine Aquarium Development Corporation, its successors and assigns.

**SEC. 503. TRANSFER OF COAST GUARD STATION SCITUATE TO THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.**

(a) **AUTHORITY TO TRANSFER.**—

(1) **IN GENERAL.**—The Administrator of the General Services Administration (Administrator), in consultation with the Commandant, United States Coast Guard, may transfer, without consideration, administrative jurisdiction, custody and control over the Federal property, known as Coast Guard Station Scituate, to the National Oceanic and Atmospheric Administration (NOAA). Since the Federal agency actions necessary to effectuate the administrative transfer of the property will further the objectives of the National Environmental Policy Act of 1969, Public Law 91-190 (42 U.S.C. 4321 et seq.) and the National Historic Preservation Act of 1966, Public Law 89-665 (16 U.S.C. 470 et seq.), procedures applicable to agency actions under these laws are unnecessary and shall not be required. Similarly, the Federal agency actions necessary to effectuate the transfer of the property will not be subject to the Stewart B. McKinney Homeless Assistance Act, Public Law 100-77 (42 U.S.C. 11301 et seq.).

(2) **IDENTIFICATION OF PROPERTY.**—The Administrator, in consultation with the Commandant, may identify, describe, and determine the property to be transferred under this subsection.

(b) **TERMS OF TRANSFER.**—The transfer of the property shall be made subject to any conditions and reservations the Administrator and the Commandant consider necessary to ensure that—

(1) the transfer of the property to NOAA is contingent upon the relocation of Coast Guard Station Scituate to a suitable site;

(2) there is reserved to the Coast Guard the right to remove, relocate, or replace any aid to navigation located upon, or install any aid to navigation upon, the property transferred under this section as may be necessary for navigational purposes; and

(3) the Coast Guard shall have the right to enter the property transferred under this section at any time, without notice, for purposes of operating, maintaining, and inspecting any aid to navigation. The transfer of the property shall be

made subject to the review and acceptance of the property by NOAA.

(c) **RELOCATION OF STATION SCITUATE.**—The Coast Guard may lease land, including unimproved or vacant land, for a term not to exceed 20 years, for the purpose of relocating Coast Guard Station Scituate. The Coast Guard may improve the land leased under paragraph (1) of this subsection.

**SEC. 504. HARBOR SAFETY COMMITTEES.**

(a) **STUDY.**—The Coast Guard shall study existing harbor safety committees in the United States to identify—

(1) strategies for gaining successful cooperation among the various groups having an interest in the local port or waterway;

(2) organizational models that can be applied to new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b);

(3) technological assistance that will help harbor safety committees overcome local impediments to safety, mobility, environmental protection, and port security; and

(4) recurring resources necessary to ensure the success of harbor safety committees.

(b) **PROTOTYPE COMMITTEES.**—The Coast Guard shall test the feasibility of expanding the harbor safety committee concept to small and medium-sized ports that are not generally served by a harbor safety committee by establishing 1 or more prototype harbor safety committees. In selecting a location or locations for the establishment of a prototype harbor safety committee, the Coast Guard shall—

(1) consider the results of the study conducted under subsection (a);

(2) consider identified safety issues for a particular port;

(3) compare the potential benefits of establishing such a committee with the burdens the establishment of such a committee would impose on participating agencies and organizations;

(4) consider the anticipated level of support from interested parties; and

(5) take into account such other factors as may be appropriate.

(c) **EFFECT ON EXISTING PROGRAMS AND STATE LAW.**—Nothing in this section—

(1) limits the scope or activities of harbor safety committees in existence on the date of enactment of this Act;

(2) precludes the establishment of new harbor safety committees in locations not selected for the establishment of a prototype committee under subsection (b); or

(3) preempts State law.

(d) **NONAPPLICATION OF FACIA.**—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to harbor safety committees established under this section or any other provision of law.

(e) **HARBOR SAFETY COMMITTEE DEFINED.**—In this section, the term "harbor safety committee" means a local coordinating body—

(1) whose responsibilities include recommending actions to improve the safety of a port or waterway; and

(2) the membership of which includes representatives of government agencies, maritime labor and industry organizations, environmental groups, and public interest groups.

**SEC. 505. EXTENSION OF INTERIM AUTHORITY FOR DRY BULK CARGO RESIDUE DISPOSAL.**

Section 415(b)(2) of the Coast Guard Authorization Act of 1998 is amended by striking "2002." and inserting "2003."

**SEC. 506. VESSEL MIST COVE.**

(a) **CONSTRUCTION TONNAGE OF M/V MIST COVE.**—The M/V MIST COVE (United States official number 1085817) is deemed to be less than 100 gross tons, as measured by chapter 145 of title 46, United States Code, for purposes of applying the optional regulatory measurement under section 14305 of that title.

(b) *LIMITATION ON APPLICATION.*—*Subsection (a) shall not apply on any date on which the length of the vessel exceeds 157 feet.*

**SEC. 507. LIGHTHOUSE CONVEYANCE.**

*Notwithstanding any other provision of law, the conveyance authorized by section 416(a)(1)(H) of Public Law 105-383 shall take place within 3 months after the date of enactment of this Act. Notwithstanding the previous sentence, the conveyance shall be subject to subsections (a)(2), (a)(3), (b), and (c) of section 416 of Public Law 105-383.*

AMENDMENT NO. 4022

(Purpose: To make changes and additions to the bill as reported by the Committee)

Mr. CAMPBELL. Mr. President, Senators SNOWE and KERRY have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Ms. SNOWE, for herself and Mr. KERRY, proposes an amendment numbered 4022.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CAMPBELL. Mr. President, I ask unanimous consent the amendment be agreed to.

The amendment (No. 4022) was agreed to.

Ms. SNOWE. Mr. President, I am pleased that today the Senate is considering passage of S. 1089, the Coast Guard Authorization Act of 2000. I have also filed a manager's amendment which makes a series of necessary changes to the reported bill.

The Coast Guard has been defined as "a unique instrument of national security." But it is so much more than simply one-fifth of our Armed Forces. The Coast Guard's peacetime missions continue to expand as our nation asks more and more of these 36,000 men and women who serve our country. From its traditional roles of rescuing mariners in distress and protecting the marine environment, to more recent responsibilities including intercepting illegal drugs and alien migrants bound for U.S. shores, the Coast Guard has proven time and again why this agency is so valuable. Whether it is protecting mariners along the Maine coastline, managing inland waterway barge traffic on the Mississippi River, or enforcing fisheries conservation laws in the Bering Sea, the Coast Guard provides an indispensable service to our nation.

Despite the fact that demands on the agency continue to grow, the Coast Guard, like the other four military services, faces critical readiness problems. In January, the Commandant of the Coast Guard was forced to cut back all routine, non-emergency operations by 10 percent. Unfortunately, on May

30, the Commandant announced a further reduction in missions which resulted in an overall 25 percent reduction in routine operations. This cut resulted in a 20 percent reduction in fisheries law enforcement patrols in the Gulf of Maine and forced two Portland-based Coast Guard cutters to decrease their at sea time by nearly 65 percent this year. Mr. President, this is simply unacceptable.

Several weeks ago, the Military Construction Appropriations Bill for fiscal year 2001 was enacted. This bill contained \$700 million in supplemental emergency appropriations for the Coast Guard. It is now incumbent upon the Administration to declare the existing readiness shortfalls and reduction in operations as an emergency condition which requires supplemental funding. Only then will the Coast Guard receive this critical funding and be able to resume normal operations protecting our coasts, our resources and our citizens.

Mr. President, the bill before the Senate attempts to solve the Coast Guard's most immediate problems and provides future funding levels and other readiness improvements that would restore the Coast Guard's ability to continue operating at normal levels and prevent reductions in the future. S. 1089 authorizes the Coast Guard at \$3.95 billion for fiscal year 2000, a \$200 million increase over the fiscal year 2000 appropriated level. It also authorizes \$4.75 billion for fiscal year 2001, an \$800 million increase over the fiscal year 2000 appropriated level. In addition, the bill authorizes such funds as may be necessary in fiscal year 2002, depending on the Administration's request. It funds critical readiness areas, such as increases in military pay and housing allowances as well as enhanced recruiting programs. In addition, the bill authorizes several important procurement projects including the Integrated Deepwater System that will recapitalize the Coast Guard's fleet of aging ships and aircraft over the next ten years. Moreover, it authorizes the modernization of the Coast Guard's National Distress and Response system, our country's 1950's era maritime emergency communication system. S. 1089 also authorizes several management improvements requested by the Coast Guard to provide parity between Coast Guard military members and other Department of Defense service members.

The bill authorizes end-of-year military strength and training levels that would address personnel shortages created by a Service that may have been too aggressive in its streamlining initiatives during the last decade. This bill authorizes funding to recapitalize the LORAN-C radio navigation system, which continues to be the primary navigation system used by many vessel and aircraft owners. It also authorizes the Coast Guard to operate excess Navy patrol craft in their mission to

stop the flow of illegal drugs across the Caribbean Basin. Finally, S. 1089 addresses various personnel management and marine safety issues to improve day-to-day operations of the Coast Guard.

During the winter of 1999-2000, my home state of Maine experienced severe freezing on our rivers and bays. Without the work of Coast Guard icebreakers, which cleared waterways for heating oil barges, Maine could have suffered from a heating oil shortage. The work of these small cutters is critical to Maine and the entire northeast. As such, this bill requires the Coast Guard to conduct an in depth study of future domestic icebreaking requirements. It further requires the Coast Guard to operate and maintain their fleet of harbor icebreakers until the Congress has had an adequate period to evaluate the agency's recommendations.

Mr. President, I believe the Coast Guard is up to the challenge of being the world's premier maritime organization despite the readiness problems it currently faces. It is my belief this bill provides the Coast Guard with the support it needs to meet that challenge.

Let me take this opportunity to thank Senator MCCAIN, the Chairman of the Commerce Committee, Senator HOLLINGS, the ranking member on the Committee, Senator KERRY, the ranking member on the Oceans and Fisheries Subcommittee, and the other Committee members for their bipartisan support of the Coast Guard throughout this process. Mr. President, I urge the adoption of the manager's amendment and passage of S. 1089.

Mr. MCCAIN. Mr. President, I rise in support of the Coast Guard Authorization Act of 2000. Charged with maintaining our national defense and the safety of our citizens, the Coast Guard is a multi-mission agency. The Coast Guard is a branch of the U.S. Armed Forces, but it is also responsible for search and rescue services and maritime law enforcement throughout our nation's waters. Daily operations include drug interdiction, environmental protection, marine inspection, licensing, port safety and security, aids to navigation, waterways management, and boating safety.

Recently the Coast Guard has been forced to reduce its services and cut its operations as a result of funding shortfalls. Earlier this year, the Coast Guard reduced its non-emergency operations first by 10 percent and subsequently by 25 percent. Mr. President, the Coast Guard deserves better, and the bill before the Senate authorizes funding at levels which would restore the Coast Guard to normal operations levels and prevent reductions in the future. Additionally, the bill provides necessary funding for cutter and aircraft maintenance including the elimination of the existing spare parts

shortage. Simply put, S.1089 allows the Coast Guard to continue their critical work on behalf of our country.

This bill provides the funding necessary to maintain the level of service and the quality of performance that the United States has come to expect from the Coast Guard. I commend the men and women of the Coast Guard for their honorable and courageous service to this country. The bill authorizes \$3.95 billion in FY 2000, \$4.75 billion in 2001, and such funds as may be necessary in FY 2002, depending on the administration's request.

One critical goal of this bill is to provide parity with the Department of Defense on certain personnel matters. Mr. President, we should ensure that the men and women serving in the Coast Guard are not adversely effected because the Coast Guard does not fall under the DOD umbrella. This bill provides parity with DOD for military pay and housing allowance increases, Coast Guard membership on the USO Board of Governors, and compensation for isolated duty.

In today's strong economy, maintaining high level service members is a serious challenge. Additional funding in this bill provides for recruiting and retention initiatives, to ensure that the Coast Guard retains the most qualified young Americans. In addition, it addresses the current shortage of qualified pilots and authorizes the Coast Guard to send more students to flight school.

Mr. President, the Coast Guard is the lead federal agency in maritime drug interdiction. Therefore, they are often our nation's first line of defense in the war on drugs. This bill authorizes the Coast Guard to acquire and operate up to seven ex-Navy patrol boats, thereby expanding the Coast Guard's critical presence in the Caribbean, a major drug trafficking area. With the vast majority of the drugs smuggled into the United States on the water, the Coast Guard must remain well equipped to prevent drugs from reaching our schools and streets.

Environmental protection, including oil-spill cleanup, is an invaluable service provided by the Coast Guard. Under current law, the Coast Guard has access to a permanent annual appropriation of \$50 million, distributed by the Oil Spill Liability Trust Fund, to carry out emergency oil spill response needs. Over the past few years, the fund has spent an average of \$42 to \$50 million per year, without the occurrence of a major oil spill. Clearly these funds would not be adequate to respond to a large spill. For instance, a spill the size of the Exxon Valdez could easily deplete the annual appropriated funds in two to three weeks. This bill authorizes the Coast Guard to borrow up to an additional \$100 million, per incident, from the Oil Spill Liability Trust Fund, for emergency spill responses. In

such cases, it also requires the Coast Guard to notify Congress of amounts borrowed within thirty days and repay such amounts once payment is collected from the responsible party.

This bill represents a thorough set of improvements which will make the Coast Guard more effective, improve the quality of life of its personnel, and facilitate their daily operations. I would like to express my gratitude and that of the full Commerce Committee to staff who worked on this bill, including Sloan Rappoport, Stephanie Bailenson, Rob Freeman, Emily Lindow, Brooke Sikora, Margaret Spring, Catherine Wannamaker, Jean Toal, Carl Bentzel, and Rick Kenin, a Coast Guard fellow whose knowledge of the Coast Guard was invaluable to the Committee because he was able to give a first hand account of how this bill will improve the lives of the men and women who so dutifully serve our nation. I would also like to thank Senators SNOWE, HOLLINGS, and KERRY for their bipartisan support of and hard work on this bill.

Mr. KERRY. Mr. President, I rise today to support Senate passage of H.R. 820, as amended by the text of S. 1089, the Coast Guard Authorization Act of 2000. I would like to thank Senator SNOWE for her leadership on this very important legislation, of which I am proud to be a cosponsor. The legislation provides authorization of appropriations for fiscal years 2000 through 2002 for the U.S. Coast Guard, and is an important step to helping them further their responsibilities that are so important to all of us.

It is widely recognized that the Coast Guard is critically underfunded. Pursuant to the administration's request, H.R. 820 authorizes a substantial increase in the two largest Coast Guard appropriation accounts, operating expenses and acquisition, construction, and improvement of equipment and facilities. Operating funds are critically needed by the Coast Guard to protect public safety and the marine environment, enforce laws and treaties, ensure safety and compliance in our marine fisheries, maintain aids to navigation, prevent illegal drug trafficking and illegal alien migration, and preserve defense readiness.

H.R. 820 will also provide an increase of approximately \$130 million for the acquisition, construction, and improvement of equipment and facilities. These funds would be used to support vital long-term projects such as the Deepwater System, which the Coast Guard launched in 1998 to modernize its aging, and now inadequate, deepwater-capable cutters and aircraft. H.R. 820 specifically authorizes \$42.3 million of the \$9.6 billion required over the next twenty years for this Integrated Deepwater System.

Increasing authorization levels for the Coast Guard is important, but we

must continue to work together to ensure the increases in this bill become a reality for the agency in the coming years. The Coast Guard is facing a fiscal crisis as a result of a number of budgetary pressures. While demand for Coast Guard services continues to increase, there has been no parallel increase in the amounts available for the Coast Guard in our budget. We are only in the beginning stages of modernizing aging ships and aircraft through the Deepwater Project, and funding needs will increase in the coming years. At the same time, the number of jobs created by the new economy has severely affected Coast Guard recruitment, and it disturbs me to report that the Coast Guard is short nearly 1,000 uniformed personnel. Ever-increasing fuel and maintenance costs, along with these escalating recruiting costs to address personnel shortfalls, have placed increased pressure on Coast Guard operations.

This year, these pressures forced the Coast Guard to reduce days at seas and flight hours for a number of its missions such as environmental protection, fisheries enforcement, and drug trafficking; meanwhile, the demands of these missions grow daily. More commercial and recreational vessels ply our waters today than ever before in our Nation's history. International trade has expanded greatly, resulting in increased maritime traffic through our Nation's ports and harbors. Tighter border patrols have forced drug traffickers to use the thousands of miles of our country's coastline as the means to introduce illegal drugs into our country. In a typical day the Coast Guard will save 14 lives, seize 209 pounds of marijuana and 170 pounds of cocaine, and save \$2.5 million in property.

The continued operation of all of the Coast Guard services is critical. The men and women of the Coast Guard do their utmost for us every day. We owe it to them to provide the resources necessary to carry out their missions effectively and safely. H.R. 820 is a good first step, and I would hope that my colleagues will join Senator SNOWE and me in our continuing effort to rebuild our Nation's oldest sea service.

Mr. CAMPBELL. Mr. President, I ask unanimous consent the bill be read the third time.

The bill (S. 1089), as amended, was read the third time.

Mr. CAMPBELL. I further ask unanimous consent H.R. 820 be discharged from the Commerce Committee and the Senate proceed to its consideration. Further, I ask all after the enacting clause be stricken and the text of S. 1089, as amended, be inserted in lieu thereof, the bill be read the third time and passed, with a motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 820), as amended, was read the third time and passed.



Mr. CAMPBELL. Mr. President, I ask unanimous consent the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The Presiding Officer (Mr. VOINOVICH) appointed Mr. MCCAIN, Mr. STEVENS, Ms. SNOWE, Mr. HOLLINGS, and Mr. KERRY of Massachusetts, conferees on the part of the Senate.

Mr. CAMPBELL. Finally, I ask unanimous consent S. 1089 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, I ask unanimous consent I speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

MR. CAMPBELL. I thank the Chair. (The remarks of Mr. CAMPBELL pertaining to the introduction of S. 2950 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CAMPBELL. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### JUVENILE JUSTICE CONFERENCE

Mr. LEAHY. Mr. President, today is in effect the anniversary of the only meeting of the House-Senate Conference committee on the Hatch-Leahy juvenile crime bill. This is the last day before the August recess this year and last year on August 5, Chairman HATCH convened the conference for the limited purpose of opening statements. I am disappointed that the majority continues to refuse to reconvene the conference and that for a over a year this Congress has failed to respond to issues of youth violence, school violence and crime prevention.

It has been 15 months since the shooting at Columbine High School in Littleton, Colorado, where 14 students and a teacher lost their lives in that tragedy on April 20, 1999. It has been 14 months since the Senate passed the Hatch-Leahy juvenile justice bill by an overwhelming vote of 73-25. Our bipartisan bill includes modest yet effective gun safety provisions. It has been 13 months since the House of Representatives passed its own juvenile crime bill on June 17, 1999.

Sadly, it will be 12 months next week since the House and Senate juvenile justice conference met for the first—and only—time on August 5, 1999, less

than 24 hours before the Congress adjourned for its long August recess.

Senate and House Democrats have been ready for months to reconvene the juvenile justice conference and work with Republicans to craft an effective juvenile justice conference report that includes reasonable gun safety provisions, but the majority refuses to act. Indeed, on October 20, 1999, all the House and Senate Democratic conferees wrote to Senator HATCH, the Chairman of the juvenile justice conference, and Congressman HYDE, the Chairman of the House Judiciary Committee, to reconvene the conference immediately. In April 2000, Congressman HYDE joined our call for the juvenile justice conference to meet as soon as possible in a letter to Senator HATCH, which was also signed by Congressman CONYERS.

A few months ago, the President even invited House and Senate members of the conference to the White House to urge us to proceed to the conference and to final enactment of legislation before the anniversary of the Columbine tragedy. But the majority has rejected his pleas for action as they have those of the American people. Apparently, the gun lobby objects to one provision in the bill, even though the bill passed overwhelmingly, and they will not let us proceed with the conference. This lobby was not elected to the Senate or to the House of Representatives, but apparently has enormous influence.

Every parent, teacher and student in this country is concerned about school violence over the last two years and worried about when the next shooting may occur. They only hope it does not happen at their school or involve their children.

Just last week, a 13-year old student put a gun to a fellow classmate at Seattle middle school. Although the student fired a shot in the school cafeteria, thankfully no one was hurt during this latest school shooting. Unfortunately, that cannot be said about the rash of recent incidents of school violence throughout the country. The growing list of schoolyard shootings by children in Arkansas, Washington, Oregon, Tennessee, California, Pennsylvania, Kentucky, Mississippi, Colorado, Georgia, Michigan, and Florida is simply unacceptable and intolerable.

We all recognize that there is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. But we have an opportunity before us to do our part. We should not let another school year begin without addressing some of the core issues of youth violence and school violence. We should seize this opportunity to act on balanced, effective juvenile justice legislation, and measures to keep guns out of the hands of children and away from criminals.

It is ironic that the Senate will be in recess next week on the anniversary of the first and only meeting of the juvenile justice conference. In fact, the Senate has been in recess more than in session since the one ceremonial meeting of the juvenile crime conference committee. It is beneath us. We ought to meet. We ought to get this done.

#### CONGRESS AND THE FEDERAL JUDICIARY

Mr. LEAHY. Mr. President, I want to turn now to another issue. This time last year, I rose to express concern about the final decisions of the Supreme Court's 1998 Term, in which it struck down on federalism grounds three important pieces of bipartisan legislation. Another Supreme Court Term has now ended, and this Term's victims include the Violence Against Women Act and, as applied to State employees, the Age Discrimination in Employment Act.

I see my distinguished friend from Delaware in the Chamber, and I know he has spoken extensively on this. I believe it bears repeating.

We have seen a growing trend of judicial second-guessing of congressional policy decisions, both in the Supreme Court and in some of the lower Federal courts. Most troubling to me is the encroachment of the Federal judiciary on the legitimate functions of the Federal legislative branch in matters that are perceived by the courts to impact the States.

We ought to all be concerned about this because it affects our constitutional system of checks and balances. We ought to ask ourselves how we can have a situation where an unelected group of Supreme Court Justices can over and over substitute their judgment for the judgment of the elected representatives of this country.

It is not a question of how we feel about an individual case. Sometimes I vote for these bills and sometimes I vote against them. But when we have held hearings, when we have determined that there is a need for Federal legislation, when we have gone forward, and then in an almost cavalier and, in some cases, disdainful fashion, the Supreme Court knocks it all down, something is wrong. It is time for us to join together in taking stock of the relationship between Congress and the courts.

According to a recent article by Stuart Taylor, the Rehnquist Court has struck down about two dozen congressional enactments in the last five terms. That is about five per year—a stunning pace. To put that in perspective, consider that the Supreme Court struck down a total of 128 Federal statutes during its first 200 years. That is less than one per year, and it includes the years of the so-called "activist" Warren Court.